

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

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In the Matter of)

Cellular Service and Other Commercial)
Mobile Radio Services in the Gulf of)
Mexico)

WT Docket No. 97-112

)
Amendment of Part 22 of the Commission's)
Rules to Provide for Filing and Processing)
of Applications for Unserved Areas in the)
Cellular Service and to Modify Other)
Cellular Rules)

CC Docket No. 90-6

Comments of ALLTEL Mobile Communications, Inc.

ALLTEL Mobile Communications, Inc. ("ALLTEL")¹ hereby submits its
comments in response to the Second Further Notice of Proposed Rule Making² in the

¹ ALLTEL Mobile Communications, Inc. is a wholly owned subsidiary of ALLTEL Corporation. ALLTEL Corporation has announced its plans to converge its competitive businesses, including CMRS, into a single existing entity known as ALLTEL Communications, Inc. ALLTEL Mobile Communications, Inc., however, for FCC licensing purposes currently remains as the parent corporation of various subsidiaries and affiliates which hold cellular licenses for markets which abut the Gulf of Mexico. ALLTEL Mobile Communications, Inc. is also the licensee of 10 Mhz PCS licenses in 73 BTAs, a number of which also abut the Gulf of Mexico.

² Second Notice of Proposed Rule Making in WT Docket No. 97-112 and CC Docket No. 90-6, FCC 97-110 (released April 16, 1997) ("FNPRM")

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above-referenced proceeding. ALLTEL commends the Commission for its willingness to address the cellular licensing process for the Gulf of Mexico (the "Gulf"). ALLTEL currently provides cellular service to a number of Florida cellular markets which abut the Gulf. It has experienced difficulty in extending service, including critical emergency 911 services to coastal areas due to its inability to freely place even de minimis contour extensions into the Gulf under the current, and uncertain regulatory regimen. ALLTEL has also recently received a number of 10 Mhz PCS licenses for Florida BTAs which abut the Gulf. Consequently, ALLTEL's comments address the Commission's proposed licensing scheme for both cellular and PCS services.

I. Cellular Service in the Gulf.

ALLTEL generally concurs with the Commission's proposal to divide the Gulf into a twelve mile "Coastal Zone" and "Exclusive Zone" largely for those reasons proffered by the Commission. Given the volume of coastal traffic, the public interest and safety require that continuous and reliable service be provided along the coastline. Coastal coverage may, in some situations, be best and most efficiently achieved by land-based carriers due to a variety of reasons including environmental and zoning concerns.³ ALLTEL notes, as does the Commission, that these concerns may be particularly acute in those portions of the Gulf adjoining Florida given the state's prohibition on offshore

³ See FNPRM at paras. 27 and 29.

drilling⁴ and the relative economic efficiencies of providing service in the proposed Coastal Zone by extending the contours of existing land-based facilities.⁵

ALLTEL also concurs with the Commission's tentative conclusions that the Coastal Zone should be comprised of a twelve mile boundary established by coordinates and that licensees should be chosen under Phase II application proceedings.⁶ The proposed Phase II process represents a fair compromise which permits expansion into the Coastal Zone both from land and the proposed Exclusive Zone. So long as the Commission continues to protect the CGSAs of incumbents providing service to the Gulf and adopts a fair and accurate propagation methodology which neither overstates or understates the contour of land-based vs. water-based facilities, the Phase II process should provide the opportunity for licensees to expand the coverage of their existing facilities while minimizing mutual exclusivity.

Given the vastly different propagation characteristics of signals traveling over land versus those traveling over water, ALLTEL is concerned that any model ultimately adopted by the Commission best approximate real world coverage based upon the cell's location and the character of the territory covered by the cell's contour. Any propagation methodology adopted should not convey any advantage to water-based or land-based carriers. ALLTEL acknowledges both the need for administrative convenience and the

⁴ See FNPRM at para. 33 (citing Fla. Stat. Ch. 377.242(1)(a)(5)(1995)).

⁵ See FNPRM at para. 34. ALLTEL notes that this added coverage could be provided by unshackling land-based carriers who are currently restrained from providing service to coastal waters over existing facilities by the regulatory uncertainty regarding the permissibility of contour extensions into the Gulf.

⁶ See FNPRM at para. 41.

role that propagation models play in the Commission's administration of its rules, and in particular, interference protection and determinations of mutual exclusivity. As noted by the Commission itself,⁷ however, a case by case determination may be most appropriate in certain situations. ALLTEL therefore suggests that by analogy to section 22.911(b) of the rules, the Commission provide Coastal Zone applicants with the opportunity to make alternative showings or to supplement the propagation analysis with actual field measurements.

Similarly, and should it remove the flat restriction on land-based transmitters for water-based licensees, the Commission must clarify that a Gulf-based licensee wishing to locate a transmitter on land must still obtain the land-based licensee's consent where the proposed cell's contour overlaps the CGSA of the land-based system. While still something of a practical impediment to construction of land-based facilities by Gulf licensees, section 22.912 of the Commission's rules requires no less for the protection of land-based licensees. Further, all licensees should continue to be protected from the capture of traffic within their CGSAs by licensees in adjoining markets, whether land-based or Gulf-based markets.⁸

ALLTEL also concurs with the Commission's proposals regarding construction requirements and the dismissal of all currently pending applications for Phase II or de minimis extensions into the Gulf.

⁷ See FNPRM at para. 38.

⁸ See in this connection section 22.911 of the Commission's rules.

II. PCS Service in the Gulf.

As the licensee of a number of PCS markets which abut the Gulf, ALLTEL vigorously objects to the creation of a two-zone system for the provision of PCS services in the Gulf.⁹ The Commission should defer final licensing policies with respect to Gulf PCS services until land-based systems have had the opportunity to build and operate. Given both the financial and other resources committed to PCS by the licensees, it is critical that the Commission not undercut the ability of these licensees to meet the demand for their services in their markets and in the Gulf.

The rights of bordering PCS licensees to provide service in the Gulf has previously been acknowledged by the Commission itself¹⁰ and arise as a natural consequence of the adoption of a geographic licensing scheme for PCS based upon both MTAs and BTAs as defined by Rand McNally. These composite geographic definitions, in the case of Florida (and other states), encompass maritime boundaries which extend well into the Gulf.¹¹

The inclusion of these maritime boundaries within MTAs and BTAs considered in conjunction with the expansive but, as of yet, untested coverage capability of PCS facilities operating at the maximum technical parameters auger for a deferral of any Gulf PCS licensing scheme until the current land-based systems are fully operational and their ability to provide service to the Gulf quantified. The ability of PCS licensees, having

⁹ See FNPRM at para. 60.


¹⁰ See Mobil Oil Telecom, Ltd., DA 96-504 (released April 10, 1996) at fn. 10.

¹¹ See generally, Florida Code Annotated, Title2, Chapter 7.

participated at auction and paid for their licenses, to serve the entire expanse of their territory should not be abridged by the Commission in any manner.

Respectfully submitted,

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